

# **EXHIBIT 26**

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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IN RE: NATIONAL PRESCRIPTION ) Case No.  
OPIATE LITIGATION ) 1:17-MD-2804  
APPLIES TO ALL CASES ) Hon. Dan A. Polster  
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VIDEOTAPED DEPOSITION OF GARY L. BOGGS

WASHINGTON, D.C.

THURSDAY, JANUARY 17, 2019

9:07 A.M.

Pages: 1 - 429  
Reported by: Leslie A. Todd

1           Q     Do you ship suspicious orders without  
2     determining that they're going to be diverted?

3           A     Under our system today, we have a system  
4     that identifies suspicious orders, we block those  
5     orders, and we don't ship those orders.

6           Q     How long has that been the case at  
7     McKesson that suspicious orders were blocked and  
8     not shipped?

9                     MR. STANNER: Object to form.

10                    THE WITNESS: McKesson has been blocking  
11     orders probably 2007, 2008.

12     BY MR. HAWAL:

13           Q     Or at least should have been, true?

14                    MR. STANNER: Object to the form of the  
15     question.

16                    THE WITNESS: The regulation does not  
17     say that we -- to block. It says to identify and  
18     report suspicious orders.

19     BY MR. HAWAL:

20           Q     Since you have joined McKesson, have you  
21     gone back to determine what McKesson was doing  
22     with suspicious orders in 2007 and 2008?

23           A     I have reviewed some materials of the  
24     type of programs that they had back in -- around

1 2007, 2008.

2 Q And was -- is it your understanding that  
3 McKesson undertook a responsibility to block and  
4 not ship suspicious orders?

5 MR. STANNER: Object to the form to the  
6 extent it's asking for speculation.

7 THE WITNESS: I understand that part of  
8 the program was to block an order and not ship it.  
9 Yes.

10 BY MR. HAWAL:

11 Q Is it your understanding that that was  
12 one of the responsibilities that McKesson assumed  
13 and undertook as part of its settlement with the  
14 Department of Justice and DEA in 2008?

15 MR. STANNER: Objection. Speculation.

16 THE WITNESS: I think it was part of the  
17 program that they created in response to the  
18 settlement agreement.

19 BY MR. HAWAL:

20 Q In other words, McKesson made an  
21 obligation or set forth an obligation and  
22 undertook an obligation, according to that  
23 settlement agreement, that it would not only  
24 report suspicious orders to the DEA but it would

Highly Confidential - Subject to Further Confidentiality Review

ACKNOWLEDGMENT OF DEPONENT

I, Gary Boggs, do hereby  
certify that I have read the foregoing pages, and  
that the same is a correct transcription of the  
answers given by me to the questions therein  
propounded, except for the corrections or changes  
in form or substance, if any, noted in the  
attached Errata Sheet.

Gary L. Boggs 2/25/19  
GARY L. BOGGS DATE

Subscribed and sworn to  
before me this

25th day of February, 2019.

My commission expires: 12/09/2020

Daniel Stybel Daniel Stybel

Notary Public

DANIEL STYBEL  
NOTARY PUBLIC - STATE OF MICHIGAN  
COUNTY OF WAYNE  
MY COMMISSION EXPIRES DEC 9, 2020  
ACTING IN COUNTY OF Wayne

